In the High Court of Judicature at Madras

Dated : 18.08.2006

Corm:

The Honourable Mr.Justice P.JYOTHIMANI

W.P.No.24874 of 2006

Bhaskar .. Petitioner

vs.

1. The Deputy Inspector General of Police
   Chennai 10.

2. The Commandant,
   T.N. Special Police Ii Battalion
   Avadi, Chennai 54. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of declaration, to declare the order of the first respondent issued in C.No.B2/4718/03 dated 19.8.2003 as Null and Void in so far as imposing the punishment of reduction in time scale of pay by 3 stages for 3 years with cumulative effect and further direct the respondents to grant the petitioner all service and monetary benefits in pursuance of the Tribunal's order in O.A.No.688 of 2002 dated 17.3.2003 within a reasonable time.

For Petitioner : Mr.K.Venkataramani
For Respondents : Mr.A.Edwin Prabhakaran, GA

O R D E R

This writ petition challenges the order of the first respondent dated 19.8.2003 under which the first respondent by taking into account, appeal petition filed by the petitioner on 11.3.2003, modified the punishment of removal from service to reduction in time scale of pay by three stages for 3 years with cumulative effect as a punishment.

2. The case of the petitioner is that when the petitioner was removed from service on 6.2.2002, he approached the Tamil Nadu Administrative Tribunal and the Tribunal by order dated 17.3.2003 passed in O.A.No.688 of 2002, set aside the order of removal and directed the respondents to reinstate the petitioner herein with all backwages and service benefits.

3. Inspite of the order passed by the Tribunal, taking into account, the previous appeal of the petitioner dated 11.3.2003 the first respondent has passed the impugned order by modifying the punishment.

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4. Now, it is represented by the learned Government Advocate that the first respondent, by an order dated 12.8.2006, has cancelled the impugned order dated 19.8.2003, which is produced before this Court. The first respondent has passed the following operative order:

> 8) Under the given facts and circumstances and on the advice of Government Pleader following his message second cited the order passed by the then Dy.Inspr.-Genl. of Police in the reference Ist cited is hereby cancelled.
>
> 9) Following the cancellation of the order of the then Dy.Inspr.-Genl. of Police, the Commandant, TSP II Bn, is directed to implement the TAT order in letter and spirit as respondent - I in that order by reinstating the writ petitioner with all backwages and service benefits.

Therefore, by virtue of the subsequent order of the first respondent, the impugned order passed on 19.8.2003 has been cancelled.

5. In view of the same, the writ petition is dismissed as infructuous, making it clear that as directed by the first respondent in his order dated 12.8.2006, the petitioner shall be entitled to the benefits granted by the Tamil Nadu Administrative Tribunal by reinstating the petitioner with all backwages and service benefits.

6. The second respondent is directed to implement the said order within a period of four weeks from the date of receipt of a copy of this order. No costs.

sgl

Sd/-
Asst. Registrar

//true copy//

Sub Asst.Registrar

To

1. The Deputy Inspector General of Police
   Chennai 10.

2. The Commandant,
   T.N. Special Police Ii Battalion
   Avadi, Chennai 54.

+ one cc to Mr.K.Venkataramani, Advocate, Sr.No.36944.
+ one cc to Government Pleader, Sr.No.36882.

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